Remarks

The Final Office Action (Paper No. 5) mailed February 9, 2005, has been reviewed. No claims are cancelled, amended, or added in this paper. Accordingly, claims 1 through 23 remain in the case before the Examiner.

35 U.S.C. §103(a):

Claims 1-23 under 35 U.S.C. §103(a) over Besch

The Final rejection of claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Besch is traversed. There has been no proper *prima facie* showing that the inventions defined by these claims would have been obvious to one of ordinary skill in the relevant art at the time the invention was made. Furthermore, evidence is submitted for the record by way of an inventor's declaration under 37 C.F.R. 1.132 showing that the invention solves a long felt need, produces unexpected results, enjoys commercial success, and is being copied by others.

As understood, the Final rejection asserts that Besch's track 30 (FIG. 1) suggests the claimed guide plate, and his cross member 18 suggests the claimed foundation plate. However, Besch's plurality of spaced apart cross members 18 fail to resist bending deflection of a guide plate 30 as a load is transported along track 30 between adjacent cross members 18. Structure effective to produce such bending support is required by claims 1-16 and 18-22 . No motivation is pointed out in the Final rejection to modify Besch's disclosed structure to satisfy the requirement for bending support required by these claims. It appears to Applicants that making the asserted changes detrimentally would increase the cost of his conveyor. Furthermore, simply replacing the spaced apart cross members with a solid plate might interfere with assembly of the track 30 onto the modified plate by reducing access to fastener locations. Where a reference fails to suggest the desirability of making the modifications required to meet all of the claim limitations, a holding of obviousness would be improper (MPEP 706.02(j)).

Dependent claims 3-12 require a guide plate to include a socket adapted to receive hold-down structure as the guide plate is lowered onto the foundation plate. Similarly, independent

method claims 17 and 23 require, at step b), lowering the guide plate to place hold-down structure into reception in socket structure. Base claim 18, and its depending claims 19-22 similarly require structure of a guide plate to be arranged to effect a plug-then-slide removable connection. These claims all require a socket to be structured to receive hold-down structure as a guide plate is moved in a first direction (e.g. lowered), then to cause an interference as the guide plate is moved in a second direction (e.g. slid in a transverse direction). In contrast, Besch discloses (FIG. 2) track 30 having an extruded profile completely devoid of any socket structure with the ambit of the instant claims. Besch's track might be installed by sliding his track, but his fastener 50 must be slid in from an open end. No motivation is pointed out in the Final rejection to modify Besch's disclosed structure to meet the socket requirement of these claims.

Dependent claim 6 requires a vertical member of hold-down structure to cooperate with socket structure to resist motion of the guide plate in an axial direction, beyond an installed position. With reference to FIG. 2, Besch's extruded track 30 and fasteners 50 fail to even suggest the claimed arrangement. The slot in extruded track 30 which receives the vertical shaft of bolt 50 lacks any structure arranged to interfere with the shaft of the bolt effective to resist axial motion of the track beyond an installed position.

Dependent claim 8 requires a stem of hold-down structure to be press-fit into receiving structure of a foundation plate. In contrast, Besch discloses bolt 50 being in threaded reception in a nut (e.g. FIG. 2). Applicants submit that Besch's disclosed nut and bolt 50 inherently possess support conditions that are distinct and different from the claimed structure, and which preclude use of Besch's disclosed arrangement in the invention defined by claim 8. The claimed arrangement forms a pillar having a base fixed with respect to the foundation plate to support an enlarged head portion at a fixed elevation. Besch's nut does not operate as, or suggest, a foundation to hold hex head of bolt 50 at a fixed elevation to permit its assembly, as a blind fastener, into reception in a socket of the claimed guide plate. Besch's bolt 50 would inevitably fall under the influence of gravity to place its hex head in contact with the top surface of channel member 18, thereby frustrating assembly of a guide plate onto a foundation plate. Furthermore,

modifying the bolt 50 to meet the limitations recited in claim 8 would destroy utility of the bolt, since the bolt would no longer operate as a tension fastener. Therefore, motivation to make the modifications required to support the Final rejection is lacking.

With respect to claim 15, the Final rejection fails to point out where Besch suggests forming a structure including a lubricated interface having a dynamic coefficient of friction in the claimed range. With respect to claim 16, the Final rejection fails to point out where Besch suggests employing a material having the claimed mechanical wear properties of Tyvar 88.

With respect to claim 20, the Final rejection appears to admit that Besch not only does not disclose the claimed retaining pin, but also fails to suggest such structure by avoiding any need for use of the claimed structure. Applicants submit that when a claim requires an element that is neither disclosed nor suggested by a reference, that claim patentably distinguishes over the structure disclosed by the reference.

With respect to claims 21 and 22, these claims add limitations to base claim 18 further defining an arrangement of a plurality of hold-down structures, not an arrangement of conveyors. Therefore, reciting additional conveyor structure is irrelevant. In contrast to the claimed arrangement, Besch discloses a single hold down structure (bolt 50) disposed in his foundation plate 18. No motivation to modify his disclosed arrangement is pointed out in the Final rejection.

The Final rejection of claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Besch is improper, and should now be withdrawn.

Claims 1, 2, 8, 13-16, and 18-23 under 35 U.S.C. §103(a) over Sigfridsson et al.

The Final rejection of claims 1, 2, 8, 13-16, and 18-23 under 35 U.S.C. §103(a) as being unpatentable over Sigfridsson et al. is traversed. There has been no proper *prima facie* showing that the inventions defined by these claims would have been obvious to one of ordinary skill in

the relevant art at the time the invention was made. Furthermore, evidence is submitted for the record by way of an inventor's declaration under 37 C.F.R. 1.132 showing that the invention solves a long felt need, produces unexpected results, enjoys commercial success, and is being copied by others.

As understood, the Final rejection asserts that Sigfridsson et al.'s guide track 33 (FIG. 2) suggests the claimed guide plate, and their supporting beam 31 suggests the claimed foundation plate. However, at Col 9, lines 37-41, Sigfridsson et al. disclose fastening the track 33 to the beam 31 with screw joints or other fasteners. Such disclosure stops well short of suggesting the installation procedure, or attachment structure, required by all of the pending claims.

In particular, base claim 1 requires structure arranged to form a "slide-together fit structured to form an interference". Independent method claims 17 and 23 require a lower and slide procedure, recited in steps b) and c), to install a guide plated onto a foundation plate. Base claim 18 requires structure arranged to effect a plug-then-slide installation of a guide plate onto a foundation plate. Dependent claims 2, 8, and 13-16 variously depend from base claim 1, thereby also requiring structure arranged to slide together to form an interference. Dependent claims 19-22 variously depend from base claim 18, thereby also requiring structure of a guide plate and a foundation plate to be arranged to form an interference effective to attach the guide plate to the foundation plate. Sigfridsson et al. are silent with respect to sliding their track 33 along beam 31 to cause an interference effective to resist separation of the track from the beam.

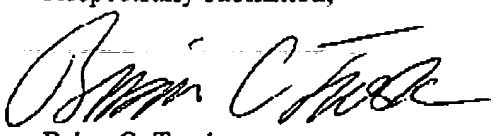
The arguments presented above in connection with Besch are equally applicable to Sigfridsson et al. Because the Final rejection does not point out with any specificity how Sigfridsson et al are applied in formulating this Final rejection, such arguments will not be repeated in full here. As one example, Sigfridsson et al. fail to even suggest installing a guide plate onto a foundation plate using socket structure adapted to cooperate with hold down structure, such as required by method claim 23.

The Final rejection of claims 1, 2, 8, 13-16, and 18-23 under 35 U.S.C. §103(a) as being unpatentable over Sigfridsson et al. is improper, and should now be withdrawn.

Conclusion

Applicants request reconsideration and allowance of claims 1-23. If any questions or issues remain which might most conveniently be resolved by telephone interview, FAX, or by e-mail, the Examiner is respectfully requested to communicate with the representative at the below indicated contact information.

Respectfully submitted,



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